

Remarks

Claims 3, 7, 8, 12, 13 and 15 through 20 are now pending.

Claims 1, 2, 4 through 6, 9 through 11 and 14 have been cancelled.

The Rejection

The following patent has been relied upon to the Applicant's claims:

	<u>U.S. Patents</u>	
6,111,045		Takagishi et al. (Takagishi)

Rejection Under 35 U.S.C. Section 102

Claims 1 through 20 have been rejected under 35 U.S.C. Section 102(b) as being anticipated by Takagishi.

A reconsideration of the rejection of the Applicant's claims is requested in view of significant amendments made to the claims and comments herein.

The Invention

It is important to appreciate that the invention of the Applicant's revised claims is directed to tire having a tread of a rubber composition having prepared by a process which comprises blending, under prescribed conditions:

(A) elastomers comprised of:

(1) about 25 to about 75 phr aqueous emulsion polymerization terpolymer comprised of repeat units derived from:

(a) 1,3-butadiene

(b) styrene

(c) co-monomer selected from prescribed methacrylates, and

(2) about 25 to about 75 phr of at least one conjugated diene-based elastomer,

and

(B) about 40 to about 120 phr of reinforcing filler comprised of carbon black and

silica wherein:

- (1) carbon black is in the majority, or
- (2) silica is in the majority, and
- (C) coupling agent .

Discussion

The cited Takagishi patent publication relates to a diene rubber comprised of:

- (A) 40 to 99.99 conjugated diene units,
- (B) 0.05 to 20 weight percent amino-containing vinyl monomer units,
- (C) 0.05 to 20 weight percent hydroxyl-containing vinyl monomer units, and
- (D) 0 to 50 weight percent other copolymerizable monomer units.

Representative of said amino-containing vinyl monomer units required by Takagishi are primary amino-containing vinyl monomer (e.g. acrylamide, methacrylamide and various amino methacrylamides and secondary amino-containing vinyl monomers are, for example anilinstyrenes and anilinophenylbutadienes and exemplary tertiary amino-containing vinyl monomers as well as other illustrated amino-containing vinyl monomers.

The Applicant's required emulsion polymerization diene-based elastomer is intended to exclude such amino-containing vinyl monomer units.

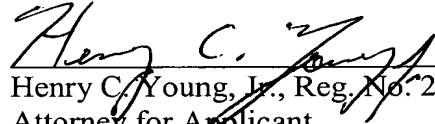
Therefore, the invention of the Applicant's revised claims, and particularly claim 3, is not anticipated by the Takagishi reference in the sense of 35 U.S.C. Section 102(b) and would not be obvious in view of the Takagishi reference in the sense of 35 U.S.C. Section 103(a).

Furthermore, it is believed that the Applicant's revised claim 3 is intended to excluded the Takagishi exemplified hydroxyl-containing vinyl monomers in a manner that the Applicant's revised claims, and particularly claim 3, is not anticipated by the Takagishi reference in the sense of 35 U.S.C. Section 102(b) and would not be obvious in view of the Takagishi reference in the sense of 35 U.S.C. Section 103(a).

Conclusion

In view of the amendments made to the Applicant's claims and comments herein it is contended that the invention of the Applicant's claims is not anticipated by the cited Takagishi reference in the sense of 35 U.S.C. Section 102(b).

Respectfully submitted,


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